

R E M A R K S

1. ENTRY OF AMENDMENT UNDER 37 C.F.R. § 1.116

The examiner is respectfully requested to enter the above amendment cancelling claims 10 and 25 to clarify issues for purposes of appeal in accordance with 37 C.F.R. § 1.116(b).

2. RECONSIDERATION OF DECLARATION OF ALICE DEGROOT

On pages 4-5 of the Office Action dated April 27, 2004 the Examiner states a willingness to consider information that is directed SOLELY to issues newly raised by the Examiner (see pg. 4, lines 19-20).

The Examiner is respectfully requested to review and reconsider the Declaration of Alice DeGroot. This Declaration is listed as EXHIBIT 10 attached to the request for reconsideration dated April 13, 2004. This same Declaration was also listed as item "BG" in the IDS dated February 9, 2004.

The Declaration was obtained at considerable effort in direct response to the **new** rejection of claims 6, 11-14, 16, 17, and 24 by DeGroot, U.S. Patent No. 4,483,275.

It is respectfully submitted that a Declaration by the inventor of a reference relied upon by the Examiner is germane and directed SOLELY to a newly raised issue.

Reconsideration and withdrawal of the outstanding rejection of claims 6, 11-14, 16, 17 and 24 are respectfully requested.

3. REQUEST FOR CONSIDERATION OF PRIOR APPEAL EXHIBITS

Prosecution was re-opened by way of the Office Action dated November 20, 2003. At that time, the Exhibits attached to the Appeal Brief dated August 7, 2003 became entered as part of the record before the Examiner.

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Exhibits 1-5 filed April 13, 2004 were identical copies of Exhibits B-F previously entered as being attached to the previously filed Appeal Brief.

The Examiner is respectfully requested to acknowledge consideration of these exhibits, not for the reason that they are directed SOLELY to new issues raised by the Examiner, but rather because they were entered on the record when prosecution was open.

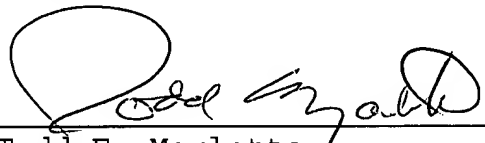
CONCLUSION

It is respectfully believed that the above clarifies issues for appeal.

Favorable consideration and entry are earnestly solicited.

Respectfully submitted,

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